

REMARKS

Currently, claims 1-19 are pending in the present application, including independent claim 1. Previous claim 20 has been presently incorporated into independent claim 1. Claims 12-14 are currently withdrawn.

Claim Rejections – 35 U.S.C. § 103

Applicants have presently incorporated the limitations of previous claim 20 into independent claim 1. Previous claim 20 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,937,028 to Glemet in view of U.S. Patent No. 6,369,157 to Winckler and further in view of U.S. Patent No. 6,090,319 to Sharma and still further in view of U.S. Patent Application Pub. 2003/0096898 to Bernd. As a preliminary matter, Applicants respectfully submit that Bernd fails to obviate the limitation of claim 20 as alleged by the Office Action. For instance, Bernd does not obviate a catalyst or an antioxidant present in an impregnation step. Regardless, Applicants respectfully request that Bernd be withdrawn as Bernd may not be used in a § 103 combination under §103(c).

- **Statement Establishing Common Ownership**

Applicants respectfully submit that Bernd and the present application were subject to an obligation of assignment to Ticono, GmbH at the time the invention of the present application was made.¹

Bernd was filed August 7, 2002 and was first published on May 22, 2003. The present application claims priority to PCT/EP04/04519 filed April 29, 2004 and German Patent No. DE 103 19 237.9 filed April 30, 2003. As such, Bernd only qualifies, on its

¹ The assignment of Bernd is recorded at Reel 013629, Frame 0240. The assignment of the present application is recorded at Reel 017471, Frame 0114.

face, as prior art under 35 U.S.C § 102(e). Thus, Applicants respectfully submit that Bernd may not be used in a §103 combination. See 35 U.S.C. § 103(c); See also MPEP § 706.02(I)(1). Applicants respectfully request withdrawal of the §103 rejection.

In addition, regarding the combination of Glemet, Winckler, and Sharma in attempting to obviate the remaining limitations of independent claim 1, Applicants reassert their previous arguments and respectfully rebut the Examiner's arguments.

The teachings of Glemet, Winckler, and Sharma are of record. The Examiner indicates that it would be obvious to combine Glemet and Winckler in the manner suggested because Glemet teaches a "wetting thermoplastic polymer" in an impregnation step which acts as a coupling agent and Winckler teaches a polymerization catalyst with a macrocyclic polyester oligomer. Presumably, because Glemet indicates a "wetting thermoplastic polymer" that "plays the part of a coupling agent," one skilled in the art would find it obvious to include the polymerization catalyst and macrocyclic polyester oligomer of Winckler. Applicants respectfully disagree.

Independent claim 1 requires at least one catalyst which catalyzes the formation of covalent bonds between the thermoplastic polymer and the multifilament strands. Winckler discloses the addition of macrocyclic polyester oligomer and catalyst in a sheathing step. The die is heated "to cause polymerization of the macrocyclic polyester oligomer forming (a) high molecular weight polyester resin matrix around the fibrous strand." Col. 18, lines 2-4.

Nowhere does either Winckler or Glemet include disclosure that would obviate incorporating a polymerization catalyst into the impregnation step of Glemet. As discussed previously, Winckler seeks to physically polymerize the component around

the fiber. Further, Glemet actually leads one skilled in the art away from utilizing a polymerization polymer that would serve to polymerize the wetting thermoplastic polymer. Indeed, Glemet discloses that the wetting thermoplastic polymer “makes it possible to increase the bond between the surface fiber and coating polymer. As Glemet further discloses that the wetting thermoplastic polymer are functionalized and/or include degradation agents such as peroxides, one skilled in the art would simply not be motivated to add a polymerization catalyst in order to polymerize the wetting thermoplastic polymer and inherently remove the functionality prior to the coating step (as claimed by applicants). Indeed, one skilled in the art appreciates that if the “wetting thermoplastic polymer” is to act as a “coupling agent” coupling the coating polymer to the fiber, the wetting thermoplastic polymer must remain somewhat functional. Adding polymerization catalyst to the impregnation step defeats this purpose.

As such, it is believed that the present application is in complete condition for allowance and favorable action is respectfully requested. Examiner Le is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this Amendment.

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Amdt. dated April 5, 2010
Reply to Office Action of Jan. 5, 2010

Please charge any fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully submitted,

DORITY & MANNING, P.A.



Ryan P. Harris
Registration No. 58,662
P.O. Box 1449
Greenville, SC 29602-1449
Phone: (864) 271-1592
Facsimile: (864) 233-7342

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